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Serial No. 09/776,009  
Attorney Docket No. 40025.003

2814



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

#10 Response  
M. Brunson  
8/15/02

Patent Application:  
Michael Vyvoda et al.

Serial No.: 09/776,009

Filed: February 2, 2001

For: WAFER SURFACE THAT  
FACILITATES PARTICLE REMOVAL

Confirmation No. 7430

Group Art Unit: 2814

Examiner: Anh D. Mai

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Commissioner for Patents  
Washington, D.C. 20231

Box Non-Final Response

Sir:

**RESPONSE TO RESTRICTION REQUIREMENT**

In response to the Office Action dated June 27, 2002, Applicants request reconsideration of the restriction requirement and examination of all claims in light of the following remarks.

**Remarks**

The Office has required restriction to one of the following groups of inventions under 35 U.S.C. § 121:

Group I: claims 1-14 and 30-456, drawn to a wafer, classified in class 257, subclass 510;

and

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Assistant Commissioner for Patents, Washington, D. C. 20231, on this 18<sup>th</sup>  
day of July 2002

Signed: Emily L. Boy

Dated: 7/18/02

Group II: claims 15-29, drawn to a method for cleaning a surface, classified in class 438, subclass 906.

The Office argues that Groups I and II are distinct because the process of Group II can be used to make another and materially different product, e.g., the wet cleaning method can be used to clean any surface. The Office concludes that restriction is proper because the inventions are distinct for this reason and because the inventions have acquired a separate status in the art as shown by their different classification.

Applicants elect, with traverse, to prosecute the invention of Group I, claims 1-14 and 30-56. Applicants do NOT traverse the Office's classification of the groups of inventions as distinct, merely the reasoning behind the Office's classification.

As to restriction between Groups I and II, Applicants disagree that the Office has met its burden of showing that the process as claimed can be used to make another and materially different product. The process as presently claimed requires depositing a semiconductor layer and then removing portions of that layer in a planarization process. The Office has alleged—but not substantiated—that the proposed process could be applied to “any” surface. Indeed, there are many surfaces to which a semiconductor layer could not be deposited and subsequently planarized.

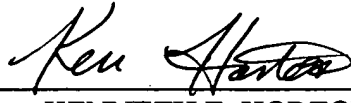
For these reasons, the Office has not established a proper restriction requirement between Groups I and II.

#### Conclusion

For the above reasons, Applicants respectfully request the Office to withdraw the restriction requirement and examine all pending claims.

If there is any fee due in connection with the filing of this Response, including a fee for any extension of time not accounted for above, please charge the fee to our Deposit Account No. 18-0013/40025.003.

Respectfully Submitted,

By   
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Date: July 18, 2002